IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
APPEAL NO.80 OF 2006
IN
CHAMBER SUMMONS NO.1081 OF 2005
IN
SUIT NO.3827 OF 2003

Mr.Parasmal Uttamchand Jain and another .. Appellants
v/s.
Chandrakant Hari Thatte and others .. Respondents

Mr.D.H.Mehta with Ms.S.S.Chiparikar i/by M/s.Deepak Chitnis-Chiparikar for the appellants.

Mr.H.J.Thakkar with Mr.Harihar Bhave i/by M/s.Bhave & Co. for the respondents.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 16TH FEBRUARY, 2006.

P.C.

After arguing the appeal for some time, Mr.D.H.Mehta, the learned counsel for the appellants prays that the appellants may be permitted to withdraw the chamber summons that was taken out by them for amendment in the plaint and impleadment of the parties. Mr.Mehta submits that the application under section 36 shall be made by the appellants before the Charity Commissioner and that the appellants shall prosecute the matter accordingly. In so far as the documents that have come to the knowledge of the appellants after the suit was filed and which according to the appellants necessitated the application for amendment in

the plaint, Mr.Mehta submits that the appellants shall take appropriate steps in tendering those documents in evidence.

2. The prayer made by Mr.Mehta is fair and reasonable.

3. We, accordingly, permit the appellants to withdraw the chamber summons No.1081 of 2005 with liberty as prayed. Upon withdrawal of the chamber summons, the appeal is rendered infructuous and the impugned order becomes ineffective.

Order accordingly.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)